



Item # 2

## RESOURCES AND DEVELOPMENT MANAGEMENT DEPARTMENT

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**DATE:** March 3, 2005

**TO:** Orange County Zoning Administrator

**FROM:** Current Planning Services Division

**SUBJECT:** Public Hearing on Planning Application PA 04-0094 for a Use Permit.

**PROPOSAL:** The applicant requests approval of a setback Variance to allow a portion of a proposed addition to an existing one-story single-family residence to be located in a rear yard setback area on property zoned R1 "Single Family Residence.

**LOCATION:** 341 Vista Baya in the Costa Mesa area of incorporated Orange County. Second Supervisorial District.

**APPLICANT:** Melissa and Marc Palazzo, property owner

**STAFF CONTACT:** Yosh Kawasaki, (714) 834-4389  
FAX: (714) 667-8344

**SYNOPSIS:** Current Planning Services Division recommends Zoning Administrator the approval of PA 04-0094 Subject to the attached Findings and Conditions.

**BAGKGROUND:**



The subject property is an irregular shaped approximately 10,395 square feet parcel, developed with a one story, approximately 2,200 square feet single-family dwelling constructed in the 1960's. The property is Lot 11 of Tract 3457. The site is zoned R1 "Single Family Residential" which has a front setback requirement of 20 feet, side setback requirement of 5 feet and, a rear setback requirement of 25 feet. Variance V4503 was issued in the 1960's for a previous home remodeling project in which a variance was approved.

Staff notes that the applicant was issued a building permit (permit number RS041774) for the proposed addition on September 15, 2004 which includes a second story on the easterly side of the house and has no direct bearing on the requested variance.

The project site is bound by other homes in the area that have gone through similar remodels, second stories, and other types of improvements over the years. Adjoining lots at the end of the same cul-de-sac have received yard variances in the past. Variance V4408 was granted to the next door neighbor at 347 Vista Baya in the 1960's allowing a 15' rear yard setback. More recently 346 Vista Baya received a variance (PA030019) to allow a 15' rear yard setback. The applicant is not requesting anymore than what has been approved in the past or setting a precedent in the area.

#### **REFERRAL FOR COMMENT AND PUBLIC NOTICE:**

A Notice of Hearing was mailed to all owners of record within 300 feet of the subject site. Additionally, a notice was posted at the site, at the 300 N. Flower Building and as required by established public hearing posting procedures. A copy of the planning application and a copy of the proposed site plan were distributed for review and comment to other County Divisions, and the City of Costa Mesa.

As of the writing of this staff report, no written comments from other County Divisions raising issues with the project have been received by staff. The City of Costa Mesa did not offer comments. However, a letter opposing the variance has been received by a resident at 350 Vista Baya, stating that the neighborhood has large lot open space and encroachments (variance) should not be granted.

#### **CEQA COMPLIANCE:**

The project is Categorically Exempt, Class 5 (minor alterations in land use limitations such as setback variance), from the requirements of CEQA. Attachment A contains the required CEQA finding.

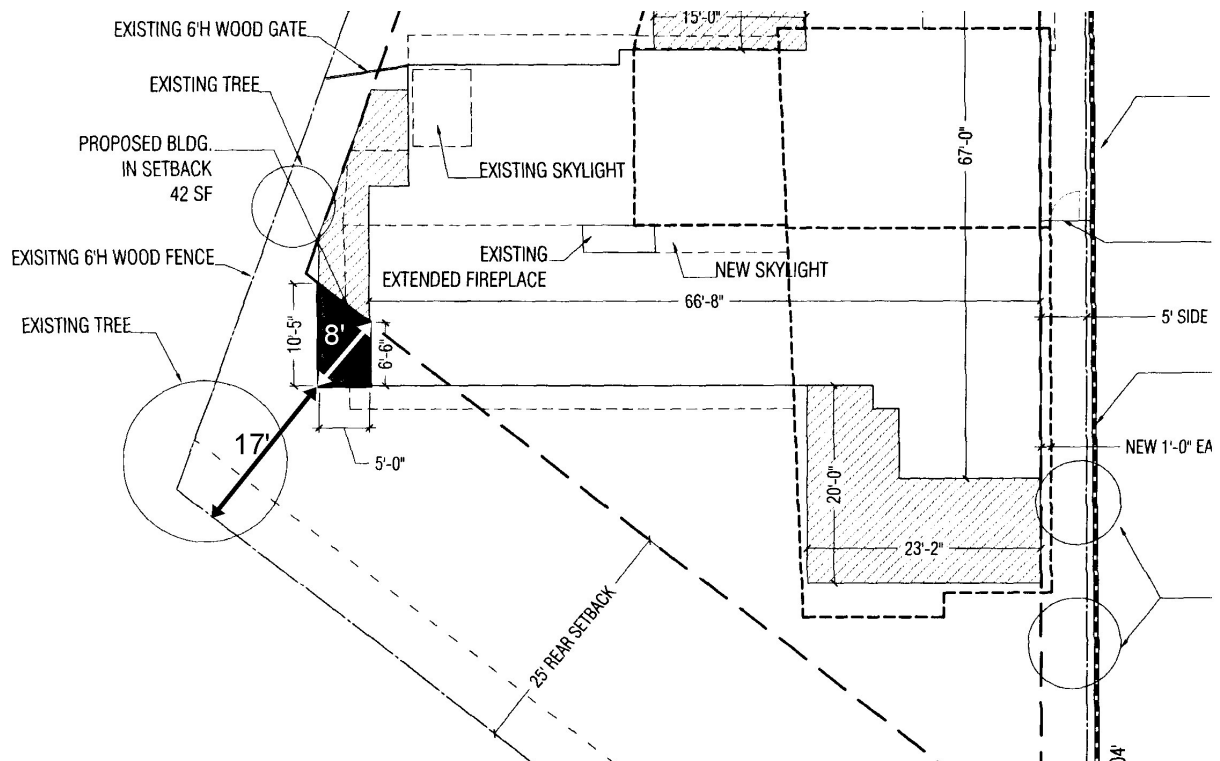
**SITE ZONING AND SURROUNDING LAND USE:**

Direction	Zoning District	Existing Use
Project Site	R1 "Single Family Residence"	Residential – Single family dwelling
North	R1 "Single Family Residence"	Residential – Single family dwelling
South	R1 "Single Family Residence"	Residential – Single family dwelling
East	R1 "Single Family Residence"	Residential – Single family dwelling
West	R1 "Single Family Residence"	Residential – Single family dwelling

**ANALYSIS:**

The applicant is seeking approval of a variance to facilitate the construction of a master bedroom closet as part of larger house remodel and expansion. The closet area is triangular in shape approximately a 10' 5" x 5' 0" x 6' 6" portion of the master bedroom, encroaching approximately 8' into the rear setback area. The height of the encroached area will not exceed 12' in height.

In the illustration below, the shaded hashed areas are part of the new construction under building permit RS041774 and is not bound by this request for variance. The dark area denotes the area of expansion into the rear setback and is the subject of this planning application. The applicant request a rear setback Variance of 10' 5". After staff's review of the plans, it would be more appropriate for a variance of 8' as measured.



Their appears to be no issue with the proposal, other than what was pointed out previously, and the variance request could be approved. However, before this variance request can be approved, the Zoning Administrator , in accordance with State and County planning laws, must be able to make the following variance findings listed below. If the Zoning Administrator cannot make these finding, the application must be disapproved.

1. There are special circumstances applicable to the subject building site which, when applicable zoning regulations are strictly applied, deprive the subject building site of privileges enjoyed by other property in the vicinity and subject to the same zoning regulations.
2. Approval of the application will not constitute a grant of special privileges, which are inconsistent with the limitations placed upon other properties in the vicinity and subject to the same zoning regulations when the specified conditions are complied with.

Staff is of the opinion that the Zoning Administrator is able to make these two special variance findings and approve the proposal. The special circumstances for approving the variance requested are in Appendix A, Finding Number 7 and 8. In conclusion, staff is of the opinion that the variance requested is minor in nature and that the requirement for greater setbacks in the R1 District is not compromised. Staff supports the applicant's request and makes a recommendation as follows.

#### **RECOMMENDED ACTION:**

Resource and Development Management Department/Current Planning Services Division recommends the Zoning Administrator:

- a. Receive staff presentation and public testimony as appropriate; and,
- b. Approve Planning Application PA 04-0094 for rear setback Variance of 8 feet, subject to the attached Findings and Conditions of Approval.

Respectfully submitted

signature on file  
Charles M. Shoemaker, Chief

#### **ATTACHMENTS:**

- Appendix A. Recommended Findings
- Appendix B. Recommended Conditions of Approval

#### **EXHIBITS:**

1. Applicant's Project Proposal Summary.
2. Scaled drawing of the site

**APPEAL INFORMATION:**

Any interested person may appeal the decision of the Orange County Planning Commission on this permit to the Board of Supervisors within 15 calendar days of the decision upon submittal of required documents and a filing fee of \$760.00 filed at the Development Processing Center, 300 N. Flower St., Santa Ana.